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Mayor de Blasio and Speaker Silver Announce New Steps to Help Families of Students with Disabilities

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Video available at: <https://youtu.be/R1sx4D629VY>

Mayor Bill de Blasio Announces New Steps to Help Familie...



Package of administrative changes will reduce litigation, streamline paperwork, and ensure parents have a responsive and efficient process to meet their child's special education needs

NEW YORK—Mayor Bill de Blasio and Assembly Speaker Sheldon Silver today announced a package of administrative changes that make the process easier and less contentious for parents who are entitled to reimbursement of tuition for their child's special education program. The changes will affect

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parents whose children attend special education programs outside of public schools in order to receive necessary services.

The special education placement process has been fraught with contention and litigation in recent years. The changes announced today will simplify and expedite the process for families with valid claims. The Department of Education is committing to render decisions about whether to settle cases within 15 days, to expedite reimbursements to parents, and to limit the paperwork they are required to submit. The changes were developed in consultation with Speaker Silver and the New York State Assembly.

"Every child in this city deserves a quality education. But for years, parents of children with special needs have had to wait for the City to settle legitimate claims for tuition reimbursement. Today, we are turning the page, making changes that will ease the burden on these parents. We are cutting red tape, speeding up the process, and reaching outcomes that do right by families," said **Mayor Bill de Blasio**.

"Each and every child in this state is entitled to a sound, basic education. Unfortunately, our public school system is not always able to accommodate children with special education needs, and many parents must turn to non-public schools. For too long, parents of special needs children had to engage in a lengthy fight to get their children placed in a private school. Parents have had to sue the City for reimbursement of tuition, placing an undue financial burden on these families. Worse yet, parents have to fight this battle year after year. On behalf of the Assembly Majority, I thank Assemblywoman Helene Weinstein, who has led the way on this issue for many years, Assemblywoman Cathy Nolan, our Education Committee Chair, and Mayor Bill de Blasio, for his commitment to New York City's children. This is a great victory for our special needs children and their hardworking families," said **Assembly Speaker Sheldon Silver**.

"The Department of Education is committed to ensuring that all students with disabilities receive the programs and services they need to thrive academically, socially and emotionally," said **Schools Chancellor Carmen Fariña**. "This agreement will make the settlement process more efficient and help reduce the uncertainty and waiting for payment, which can be a strain for families with valid claims for tuition reimbursement."

"This is a good initial step towards reducing the unnecessary frustration that parents of students with special needs face as they struggle to find an appropriate education for their children. Moving to a less litigious approach will benefit the school system and families of all income levels," said **Kim Sweet, Executive Director of Advocates for Children of New York**.

"I want to applaud Mayor De Blasio and Assembly Speaker Silver for their efforts to assist the families of students with special needs. But in a special way, I want to applaud the parents and advocates who have fought for these needed services for their children. Regardless of their situation, every child deserves a quality education and every parent should be supported in their efforts to obtain that education for their children. Today, those parents are receiving some of that long overdue support," said **Richard Espinal, Executive Director, Centro Altagracia De Fe Y Justicia**.

"The New York State Institute On Disability was very happy to hear about the administrative changes made to streamline the tuition reimbursement process for families with special needs children. These changes will allow the parents to focus more on the needs of their children. It will be one less burden for them to worry about. We would like to thank Mayor Bill de Blasio and Speaker Sheldon Silver for their dedication and perseverance in passing these changes," said **Elizabeth Sunshine, Executive Director, New York State Institute On Disability**.

"As a parent to have gone through this, and a parent of two children with special needs, this is great news. There is nothing more frustrating to a parent struggling to get their children what they need, to have to go through endless litigation. It's debilitating—embarrassing, frustrating, and nearly a full-time job—as well as a huge expense. Many parents don't know how, or are afraid, so their children are missing out on what they need. Dealing with parents on a daily basis, many parents have given up once they found out the process, which is heart breaking. This change should have taken place a long time ago to stop discouraging parents from getting what they need for their children. This will alleviate the heartache. This is great news and one of the steps that we have been waiting for," said **Joe Williams, Parent Advocate, Member of National Association for Education of African American Children with Special Needs Board of Director, NYC Special Education Collaborative.**

"The Mayor's plan is wonderful news for children with special needs. What I like best about it is that the special ed status quo, which blossomed under Mayor Bloomberg, advantaged wealthy parents over all others. They can afford to hire expensive lawyers and then wait years for tuition reimbursement of \$100,000 or more per year. Now, under the new plan, parental wealth will no longer determine whether or not a child receives the special education to which he is legally entitled," said **Dorothy Siegel of New York University, a long-time advocate for children with special needs.**

"For many years, parents of children with developmental disabilities had no recourse but to sue the City of New York for proper placement and reimbursement of tuitions for their children's education. Many times, the child would age out before the litigation was completed. All children deserve the proper education which is determined by their needs. A simple concept. Thank you, Mayor de Blasio and Speaker Silver," said **John Bilotti, Executive Director, On Your Mark Inc.**

"This is long-awaited, and a lot of our families will finally have some reprieve from the challenges of navigating the system. I hope that the de Blasio administration and Chancellor Farina continue to include us in forging new reforms that will help our children with disabilities flourish in the New York City public schools as we are currently doing at PS255Q," said **Victor Ty Jr., Co- PTA President, PS255Q.**

"We work with many students who attend private schools and we believe every child, regardless of whether they attend public or private schools deserve the best education that meets their needs. Special needs children and their families are already under undue stress and we continue to burden them further by creating obstacles to services their children need to flourish. I support Mayor de Blasio and Speaker Silver's steps to address these long-neglected students and their families," said **Linda Sarsour, Executive Director at the Arab American Association of New York.**

"Reducing the stress and strain of extended legal battles is a hard won relief for parents. The past DOE administration created a contentious atmosphere and increased anxiety on the part of parents. It is a relief to learn that parents will no longer be forced to prove and prove and prove yet again that an appropriate program is benefiting their son or daughter," said **Ellen McHugh, Citywide Council on Special Education.**

"Students with special needs and their parents should not have to wait unreasonable long periods of time or pursue legal action to receive the educational services to which they are entitled," said **Jose Calderon, President of the Hispanic Federation.** "These reforms will ensure our most vulnerable students—especially English language learners with special needs—will get the academic support they need to reach their full potential."

The action plan announced today will implement the following changes by September 1, 2014:

- **Expedite Decisions:** Where settlement is appropriate, DOE will seek settlement within 15 days of receiving notice of parent intent to unilaterally place their child in a school.
- **Reduce Extended Legal Battles:** The DOE will refrain from re-litigating settled or decided cases, unless there is a change in the IEP placement recommendation. The DOE will avoid unnecessary litigation in cases where the agency is unable to offer a placement, or when a child is about to enter the final grade of a school.
- **Reduce Paperwork:** Instead of requiring parents to submit full documentation every year, the DOE will only require that paperwork every three years, allowing for income eligibility updates to be made each year, as needed.
- **Expedite Payments:** DOE will make tuition payments on a monthly basis when required by a program, and it will provide a payment schedule to parents following any settlement. Once parents win a claim for tuition reimbursement, the DOE will pay the tuition while the DOE appeals that decision to a higher level of review.

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